IN THE HIGH COURT COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR.

1. S.B. Civil Writ Petition No.171/2004
Ms.Mukulika Datta Vs. Univeristy of Raj. &Anr.

2. S.B.Civil Writ Petition No.169/2004.
Shailendra Rajora Vs. University of Raj&Ors.

3. S.B.C.Writ Petition No.109/2004.
Ms.Anita Gangawat Vs. University of Raj.&Ors.

4. S.B.C.Writ Petition No.2345/2004.
Ms.Mukulika Datta Vs. Univeristy of Raj.& Ors.

Date of Order: 09.1.2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ.

Mr.R.K.Sharma for the petitioner.
Mr.Manish Bhandari for the respondents.

First two of the above writ petitions have been filed by Miss.Mukulika Datta whereas the third one has been filed by Shailendra and the fourth by Anita Gangwat. Since the issues raised in all these petitions are common on facts as well as law therefore they were all heard together and are being decided by this common judgment.

Miss.Mukulika Datta, was given admission in MBA CAM (Semester System Scheme) undertaken by the respondent No.2 and was admitted to the MBA CMA 2 years course which is divided decided in four Semesters. Examinations are to

be conducted on expiry of every 6 months. According to the petitioner, the respondents did not maintain schedule while as per provisions, candidate is promoted to the next Semester only if he/she has successfully cleared 60% of the papers of MBA first semester with minimum 36% of marks in those papers, those who fail to obtain 50% marks in any of the papers are required to appear in the due paper for which a separate examination is held. The petitioner Miss.Dutta cleared 7 papers out of 9 papers in Ist SEmester and secured 70% of marks and thus became entitled to promotion to 2nd Semester. Since the examination of the due papers of first semester was conducted in the month of February, 2003 and the result of the same was declared in the month of May,2003. The respondents did not allow her to attempt examination of Iind Semester. According the petitioner, the respondents should have immediately declared the result of all the due papers of Ist Semester. However, the respondents conducted the examination of due papers after a lapse of 7 months which proved for the petitioner. In the meanwhile, the examination for 2nd Semester was held in the year 2003, the petitioner appeared in such examination and successfully cleared the same, but she was not supplied with the mark-sheet on the pretext that

the result of her remaining papers of Ist Session were not declared. The petitioner and other similarly situated candidates which includes the other petitioners too were promoted in 3rd Semester after they cleared the examination of remaining uncleared papers of the Ist Semester which was held at the belated state in the month of January,2004. But classes for the 3rd Semester already started from the month of October,2003. Allegation of the petitioner is that the examination of the 3rd Semester was scheduled to commence from 16.1.2004, but the respondents failed to declare the result of the Ist Semester. Under the aforesaid circumstances, they have to file present writ petition.

In the first writ petition, Miss.Mukulika Dutta was permitted to appear in 3rd Semester under the direction of this Court which is for what she had approached this court. Subsequently on an application of the petitioner Miss.Dutta, the respondents were directed to declare the result of 3rd Semester. However, when the examination of the 4th Semester were to be commenced from 20th April 2004, the result of her first Semester due papers had not yet been declared. A further direction was also given by the court to the respondent to declare the result of her 1st Semester. The petitioner filed a Second writ petition

bearing S.B.Civil Writ Petition No.2345/2004 in which also direction was given to the respondents to declare the result of the examination of 4th Semester.

Similar is the position with regard to Shailendra Rajora the petitioner in S.B.C.W.P.No.169/2004 and Anita Gangawat the petitioner in S.B.C.W.P.No.109/2004. They were also allowed to appear in the 1st Semester and cleared in all papers except one when the result thereof were declared. They were allowed to appear in 2nd Semister examination and separately also appeared in due papers in the special examination conducted for the 2nd Semester of 2003. The result of the 2nd Semester was not declared in 2003. Though the petitioner and other candidates were promoted and given admission in 3rd semester. The result of 3rd semester as also the 2nd semester was declared in the month of December,2003 and thereafter the result of the due papers was declared. Subsequently, they were allowed to appear in due paper of 1st Semester on 5th February,2004 but they were not allowed to appear in the 3rd Semester. In the examination which commenced from 15th June, 2004. It was in these circumstances, that the aforesaid two writ petitions were filed by Shailendra Ragora and Anita Gangawat. They were allowed to appear

in 3rd semester. The result of all their due papers of 1st

Semester was declared on 17.1.2004. Thereafter, when examination of Ivth Semester approached, this court by its order dated 19.4.2004, directed the respondents to allow them to appear in such examination. Later, under direction given by this court on 9.11.2004, the respondent declared the result of their IIIrd and Ivth Semester subject to the decision of these writ petitions.

I have heard the learned counsel counsel for the parties and perused the material available on record.

At the outset it should be noted that all the petitioners have appeared in the examinations for various semesters under the different orders passed by this court largely due to the fact that there was a very short gap between examination of two semesters. This was so because duration of each semester is only six months even before they could appear in due paper of earlier semester or in certain instances, their result could be declared, examination of the next semester would approach.

In the facts and circumstances, it is clear that the petitioners have now been allowed to appear in all the

papers of different semesters and they have successfully

cleared all of them, it would be appropriate that the respondents are now required to award degree and mark-sheet on the basis of the aforesaid examination in accordance with rules and treat them to have passed such examination as per law. With the above observations, these writ petitions are disposed of.

(Mohammad Rafiqu)J.

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